

# FOLEY & LARDNER

ATTORNEYS AT LAW

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LOS ANGELES, CALIFORNIA 90067-3021  
TELEPHONE: 310.277.2223  
FACSIMILE: 310.557.8475  
WWW.FOLEY.COM

**EXHIBIT**  
1/15/04  
FILED

## FACSIMILE TRANSMISSION

Total # of Pages 13 (including this page)

TO:	PHONE #:	FAX #:
Ms. Inman U.S. Patent and Trademark Office	(703) 308-9577	(703) <del>308</del> -9822

305

12:21:51 PM TO:

<p><b>From :</b> Ted Rittmaster</p> <p><b>Email Address :</b> trittmaster@foley.com</p> <p><b>Sender's Direct Dial :</b> 310.975.7963</p> <p><b>Date :</b> January 15, 2004</p> <p><b>Client/Matter No :</b> 041892-0211</p> <p><b>User ID No :</b> 3198</p>
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### MESSAGE:

Dear Ms. Inman:

As requested, following is a copy of our response to the Notice to File Missing Parts mailed on January 17, 2002, also is a copy of the return postcard stamped by the Patent Office.

If you have any further questions or concerns, please let us know.

If there are any problems with this transmission or if you have not received all of the pages, please call .

Operator: <i>mc</i>	Time Sent: <i>117-100</i>	Return Original To: Jose Ramos
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**CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.**

BEST AVAILABLE COPY

<b>FOLEY &amp; LARDNER</b>		15321
<b>PETTY CASH ACCOUNT LOS ANGELES</b>		
2029 CENTURY PARK E., STE. 3500 PH. 310-277-2223 LOS ANGELES, CA 90067		
DATE <u>January 16, 2002</u>		90-7172/395 3222
PAY TO THE ORDER OF	** Commissioner for Patents **	\$ 1,960.00
One Thousand Nine Hundred Sixty Dollars and no/100		DOLLARS
<b>citibank</b> CITIBANK, F.S.B. 787 WEST 6TH STREET, 28TH FLOOR LOS ANGELES, CA 90071		TWO SIGNATURES REQUIRED OVER \$1,000.00 DOLLARS
FOR 041892-0211/ TRRI		
⑈015321⑈ ⑆322271724⑆ 200011757⑈		

<b>FOLEY &amp; LARDNER</b>		15322
<b>PETTY CASH ACCOUNT LOS ANGELES</b>		
2029 CENTURY PARK E., STE. 3500 PH. 310-277-2223 LOS ANGELES, CA 90067		
DATE <u>January 16, 2002</u>		90-7172/395 3222
PAY TO THE ORDER OF	** Commissioner for Patents **	\$ 130.00
One Hundred Thirty Dollars and no/100		DOLLARS
<b>citibank</b> CITIBANK, F.S.B. 787 WEST 6TH STREET, 28TH FLOOR LOS ANGELES, CA 90071		TWO SIGNATURES REQUIRED OVER \$1,000.00 DOLLARS
FOR 041892-0211/ TRRI		
⑈015322⑈ ⑆322271724⑆ 200011757⑈		

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 041892-0211

In re patent application of

John Anthony Bruckner et al.

Group Art Unit: Unassigned

Serial No.: 09/843,589

Examiner: Unassigned

Filed: April 25, 2001

For: SYSTEM AND METHOD FOR MANAGING INTERACTIVE PROGRAMMING AND  
ADVERTISEMENTS IN INTERACTIVE BROADCAST SYSTEMSPETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136Commissioner for Patents  
Washington, D.C. 20231

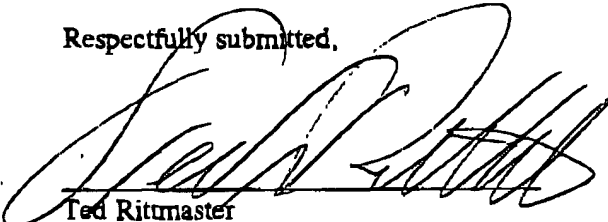
Commissioner:

It is respectfully requested that an extension of time for the period indicated below be granted in accordance with the provisions of 37 C.F.R. § 1.136 to take the action required in the application identified in caption, as reflected by the papers submitted herewith.

First Month	\$ 110	(\$ 55)*	
Second Month	\$ 400	(\$200)*	
Third Month	\$ 920	(\$460)*	(*Small Entity)
Fourth Month	\$1,440	(\$720)*	
X Fifth Month	\$1,960	(\$980)*	TOTAL FEE: <u>\$1,960</u>

A check including the amount of the Total Fee is attached. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0872. If one or more (additional) extension(s) of time is/are required for the filing of this paper, such extension(s) is/are hereby expressly petitioned for and the Commissioner of authorized to charge the required fee to Deposit Account No. 50-0872.

Respectfully submitted,

January 17, 2002  
Date  
Ted Ritmaster  
Reg. No. 32,933Foley & Lardner  
2029 Century Park East, Suite 3500  
Los Angeles, CA 90067  
Telephone: (310) 277-2223  
Facsimile: (310) 557-8475

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John Anthony Bruckern	Examiner:	Unassigned
Serial No.:	09/843,589	Group Art Unit:	Unassigned
Filed:	April 25, 2001	Docket:	041892-0211
Title:	SYSTEM AND METHOD FOR MANAGING INTERACTIVE PROGRAMMING AND ADVERTISEMENTS IN INTERACTIVE BROADCAST SYSTEMS		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on January 17, 2002.

  
Nilka Mickey

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

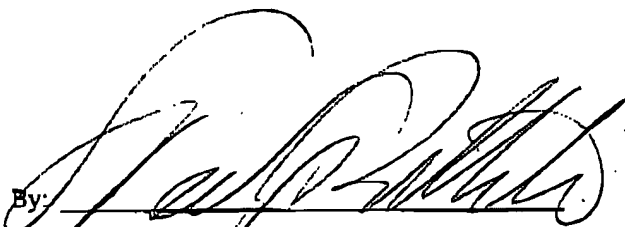
Sir:

We are transmitting herewith the attached:

- ☒ Part 2 of Notice to File Missing Parts of Application
- ☒ Declaration
- ☒ Petition For Extension of Time
- ☒ Checks in the amounts of \$1,960 and \$130
- ☒ Return postcard

Please charge any fees associated with this transmittal to Deposit Account No 50-0872. A duplicate of this sheet is enclosed.

FOLEY & LARDNER  
2029 Century Park East — Suite 3500  
Los Angeles, CA 90067-3021  
1-310-277-2223 Office  
1-310-557-8475 Fax

By:   
Name: Ted R. Rittermaster  
Reg. No.: 32,933  
TRR/nm



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/843,589	04/25/2001	John Anthony Bruckner	041892.0211

CONFIRMATION NO. 8739

## FORMALITIES LETTER



"OC000000006232096"

Ted R. Rittmaster  
FOLEY & LARDNER  
Suite 3500  
2029 Century Park East  
Los Angeles, CA 90067-3021

Date Mailed: 06/27/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

MAY. 19. 2004 3:02PM

FOLEY&LARDNER

NO. 8613 P. 7/15

Page 2 of 2

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

041892.0211  
50R4774

United States Patent Application  
**DECLARATION UNDER 37 C.F.R. § 1.63**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  
**SYSTEM AND METHOD FOR MANAGING INTERACTIVE PROGRAMMING AND ADVERTISEMENTS IN INTERACTIVE BROADCAST SYSTEMS**

The specification of which

a. ☐ is attached hereto.

b. ☒ was filed on April 26, 2001 as Application Serial No. 09/843,589 which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☒ no such applications have been filed.

b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

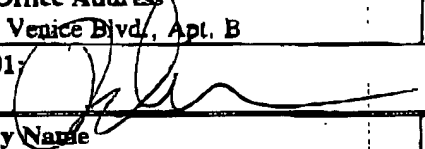
I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

Please direct all correspondence in this case to Ted R. Rittmaster, Esq. at the address indicated below:

Ted R. Rittmaster  
Foley & Lardner  
2029 Century Park East - Suite 3500  
Los Angeles, CA 90067-3021

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Bruckner	First Given Name John	Second Given Name Anthony
0	Residence & Citizenship	City Venice	State or Foreign Country California	Country of Citizenship United States of America
1	Post Office Address	Post Office Address 31 N. Venice Blvd., Apt. B	City Venice	State & Zip Code/Country California 90291
Signature of Inventor 201: 				Date: 1/4/02
2	Full Name Of Inventor	Family Name Allibhoy	First Given Name Nizar	Second Given Name
0	Residence & Citizenship	City Northridge	State or Foreign Country California	Country of Citizenship United States of America
2	Post Office Address	Post Office Address 19935 Eagle Ridge Ln.	City Northridge	State & Zip Code/Country California 91326
Signature of Inventor 202:				Date:
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
3	Post Office Address	Post Office Address	City	State & Zip Code/Country



**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance-of-evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

041892.0211  
50R4774

United States Patent Application  
**DECLARATION UNDER 37 C.F.R. § 1.63**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  
**SYSTEM AND METHOD FOR MANAGING INTERACTIVE PROGRAMMING AND ADVERTISEMENTS IN INTERACTIVE BROADCAST SYSTEMS**

The specification of which

a. ☐ is attached hereto.

b. ☒ was filed on April 26, 2001 as Application Serial No. 09/843,589 which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

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U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

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Ted R. Rittmaster  
Foley & Lardner  
2029 Century Park East - Suite 3500  
Los Angeles, CA 90067-3021

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Bruckner	First Given Name John	Second Given Name Anthony
0	Residence & Citizenship	City Venice	State or Foreign Country California	Country of Citizenship United States of America
1	Post Office Address	Post Office Address 31 N. Venice Blvd., Apt. B	City Venice	State & Zip Code/Country California 90291
Signature of Inventor 201:				Date:
2	Full Name Of Inventor	Family Name Alliboy	First Given Name Nizar	Second Given Name
0	Residence & Citizenship	City Northridge	State or Foreign Country California	Country of Citizenship United States of America
2	Post Office Address	Post Office Address 19935 Eagle Ridge Ln.	City Northridge	State & Zip Code/Country California 91326
Signature of Inventor 202: <i>Nizar Alliboy</i>				Date: 12/21/01
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
3	Post Office Address	Post Office Address	City	State & Zip Code/Country

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(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Attorney Docket No.: 041892-0211

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant(s): John Anthony Bruckner et al.

For: SYSTEM AND METHOD FOR MANAGING INTERACTIVE PROGRAMMING AND  
ADVERTISEMENTS IN INTERACTIVE BROADCAST SYSTEMS

Serial No.: 09/843,589

Filing Date: April 25, 2001

- ☒ Transmittal Sheet
- ☒ Part 2 of Notice to File Missing Parts of Application
- ☒ Declaration (2 parts)
- ☒ Checks in the amounts of \$1,960 and \$130
- ☒ Petition for Extension of Time

Date Due: January 27, 2002

Date Mailed: January 17, 2002



TRR/nm  
Patent

15.440995.1

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